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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,947	11/07/2003	Chris Maeda		2946
39227	7590	05/23/2006		EXAMINER
CHRISTOPHER M. MAEDA 215 S. BROADWAY 241 SALEM, NH 03079			GOTTSCHALK, MARTIN A	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/605,947	MAEDA, CHRIS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Martin A. Gottschalk	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11/07/2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 November 2003 is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                               |                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                          | Paper No(s)/Mail Date. _____ .                                              |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/07/2003</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                                               | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. Claims 1-4 have been examined.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Surwit et al (US Pat# 6,024,699, hereinafter Surwit).

- A. As per claim 1, Surwit discloses a data collection and monitoring system, comprising:

- a. a remote collection unit means for collecting medical data, validating said collected data, and storing data therein (Surwit: Fig 2; col 7, Ins 15-64);

- b. instruction means within the remote collection unit for guiding the user of the data collection and monitoring system through various procedural steps for the collection of data (Surwit: col 8, Ins 3-6);
- c. display means on the remote collection unit for displaying data, instruction windows and graphics pertaining to each protocol study to the user of the remote collection unit (Surwit: Fig 2, item 22);
- d. input means connected to the remote collection unit to allow the user of the remote collection unit the ability to interact with the data displayed in real time, wherein the user may edit the information shown on the display or input new information into the remote collection unit (Surwit: Fig 2, item 24; col 8, Ins 18-36);
- e. interface means connected to the remote collection unit for downloading new or updated protocol details from the design repository and uploading data from the remote collection unit to the data repository (Surwit: Table 1; Fig 1, item 13; col 7, Ins 47-55. The Examiner considers the PAC server to be a form of design repository); and
- f. a main computer system connected to the interface means for receiving the uploaded data for further processing and downloading new or modified

collection instructions to the remote collection unit (Surwit: Fig 1, item 14; col 9, Ins 25-67).

B. As per claim 2, Surwit discloses the method according to claim 1, wherein a method for defining parameters for data collection on the remote collection unit is defined, comprising the steps of:

- a. creating, changing, or deleting protocol details, component parameters, and data values and storing those details, parameters, and values in a design repository (Surwit: col 18, Ins 45-58);
- b. generating a set of source code using the values stored in the design repository as input (Surwit: col 11, Ins 26-29, reads on "...modify illness-specific software...");
- c. further generating a target application from the source code generated from the values stored in the design repository (Surwit: col 11, Ins 29-32, target application reads on "dosage algorithm");
- d. transforming the target application into a form that can be deployed on the remote collection unit (Surwit: col 19, Ins 40-48, reads on "published");  
and

e. transmitting the transformed target application to the remote collection unit (Surwit: col 8, Ins 47-53).

C. As per claim 3, Surwit discloses a method for consolidating data collected by the remote collection unit as recited in claim 2, comprising the steps of

invoking a data import and export module to upload the collected data from the remote collection unit to one or more of a plurality of centralized data repositories (Surwit: Table 1, col 7, In 64 to col 8, In 6, one or more data repositories reads on “PAC server”).

D. As per claim 4, Surwit discloses a method for consolidating data collected by the remote collection unit as recited in claim 2, comprising the steps of:

a) invoking a data import and export module to upload the collected data in a hierarchical configuration from the remote collection unit to one or more of a plurality of site-managed data repositories (Surwit: col 10, Ins 24-33, site-managed data repositories reads on CMC. Note the CMC can communicate directly with the PPM);

and

b) transmitting data from all site-managed data repositories to a centralized data repository (Surwit: Table 1, col 7, ln 64 to col 8, ln 6, centralized data repository reads on "PAC server"; col 10, lns 24-33, note that the CMC can communicate with the PAC server).

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied patent prior art discloses systems for managing patient health care information (US Pat#s 5,301,105 6,283,761).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin A. Gottschalk whose telephone number is (571) 272-7030. The examiner can normally be reached on Mon - Fri 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MG

12/09/2005



JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER